

Message Text

PAGE 01 NATO 02367 141905 Z

72

ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 PM-09 INR-10 L-03 NEA-10

NSAE-00 PA-03 RSC-01 PRS-01 GAC-01 USIA-12 TRSE-00

MBFR-03 SAJ-01 SS-15 NSC-10 OMB-01 H-02 RSR-01 /109 W

----- 057645

R 141810 Z MAY 73

FM USMISSION NATO

TO SECSTATE WASHDC 95

SECDEF WASHDC

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

USNMR SHAPE

C O N F I D E N T I A L USNATO 2367

E. O. 11652: GDS-79

TAGS: EFIN, MCAP, NATO

SUBJECT: MEETING OF OPEN- ENDED WORKING GROUP ON REIMBURSEMENT TO
US FOR INFRASTRUCTURE WORKS AT DREUX AND EVREUX

BEGIN SUMMARY: OPEN- ENDED WORKING GROUP ON DREUX- EVREUX GENERALLY
AGREED WITH PANSA' S (ACTING SYG) DRAFT REPORT TO COUNCIL IN
AC/289(73) WP/2 SUBJECT TO MINOR DRAFTING CHANGES. WORKING GROUP
APPOINTED TWO DRAFTING GROUPS TO (1) INCORPORATE SUGGESTED
MODIFICATIONS TO DRAFT REPORT, AND (2) WORK OUT EXACT FIGURE FOR
PARA 7. FINAL MEETING OF WORKING GROUP IS SCHEDULED IN JUNE TO
APPROVE REPORT TO COUNCIL RECOMMENDING SETTLEMENT OF DREUX- EVREUX
ISSUE. END SUMMARY.

1. PANSA INTRODUCED SUBJECT BY REFERRING TO MCAULIFFE LETTER OF
MARCH 26 INDICATING WHY US COULD NOT AGREE WITH NATO LEGAL ADVISOR' S
NEGATIVE FINDINGS AND SETTING FORTH POLITICAL REASONS FOR A
RESOLUTION. HE INDICATED THAT HIS DRAFT REPORT DISCARDED ALL
PREVIOUS SUGGESTIONS EXCEPT THE NEED FOR A POLITICAL SETTLEMENT
WHICH WAS, AFTER ALL, THE REASON FOR WHICH THE NAC HAD SET UP THE
WORKING GROUP.
CONFIDENTIAL

PAGE 02 NATO 02367 141905 Z

2. MARSHALL (CANADA) COULD AGREE WITH PANSA' S REPORT AND HOPED
THAT OTHER NATIONS WOULD FIND IT USEFUL AS A WAY OF DISPOSING OF
THIS OLD PROBLEM. BJORKE (DENMARK) AGREED WITH MARSHALL. PANSA
(ITALY) COULD ACCEPT THE DRAFT REPORT ON TWO CONDITIONS: (1) NO

PRECEDENT WOULD BE ESTABLISHED, AND (2) ALL NATIONS COULD ACCEPT THIS APPROACH.

3. BUSMAN (NETHERLANDS) ANNOUNCED THAT HIS AUTHORITIES, WHO ARE NOW TAKING A MORE FLEXIBLE POSITION IN THIS MATTER, COULD PROBABLY AGREE WITH PANSA'S APPROACH, BUT THEY WOULD WISH TO CHANGE THE LAST HALF OF THE RECOMMENDATION IN PARA 7 TO READ SOMEWHAT AS FOLLOWS: QTE SEVERAL NATIONS EMPHASIZE THAT THIS DECISION IS BASED NOT ON THE TECHNICAL ARGUMENTS IN THE CASE, BUT RATHER ON POLITICAL CONSIDERATIONS IN ORDER TO FACILITATE ARRANGEMENTS FOR THE NEXT FIVE- YEAR INFRASTRUCTURE PROGRAM UNQTE. HE DID NOT HAVE CLEARANCE FOR THESE WORDS FROM HIS AUTHORITIES, BUT HOPED TO HAVE INSTRUCTIONS SHORTLY SO THAT HE MIGHT PUT FORWARD AN AMENDED DRAFT REPORT IN TIME FOR A FINAL MEETING OF THE WORKING GROUP SOME TIME IN JUNE.

4. STAPLES (UK) ALSO LACKED FINAL INSTRUCTIONS FROM LONDON. HE EXPECTED THAT ANOTHER MEETING IN JUNE WOULD GIVE HIM TIME TO SEEK APPROVAL. HE ASKED IF THE BLANK IN PARA 7 INDICATED THAT THE US WAS WILLING TO TAKE A SETTLEMENT OF LESS THAN THE COSTS FOR DREUX- EVREUX. PANSA INDICATED THAT THE AMOUNT HAD BEEN LEFT BLANK BECAUSE OF COMPLICATIONS IN EXCHANGE RATES. MCAULIFFE (US) INDICATED THAT US WAS WILLING TO ACCEPT THE NUMBER OF DOLLARS SPENT FOR THE WORK AT DREUX AND EVRUEX, VIZ. \$2,628,058. STAPLES WENT ON TO EXPLAIN THAT HE BELIEVED SETTLEMENT WOULD EMPHASIZE GOOD FAITH OF THE US IN THIS MATTER RATHER THAN THOSE ARGUMENTS REFLECTED IN PARA 5 OF THE REPORT. HE ALSO HOPED THAT PARA 3 COULD EVENTUALLY INDICATE THE GENERAL VIEW THAT ARBITRATION IN SUCH CASES IS UNACCEPTABLE TO MOST NATIONS.

5. MCAULIFFE EXPLAINED THAT HIS MARCH 26 LETTER HAD BEEN TARDY BECAUSE IT HAD REQUIRED EXTENSIVE REVIEW BY WASHINGTON AUTHORITIES TO MAKE IT COMPLETE AND DEFINITIVE. HE THANKED PANSA FOR THE EXCELLENT WP/2 DRAFT WHICH OFFERED HOPE FOR AN EARLY SOLUTION. HE EXPRESSED US PREFERENCE THAT WORKING GROUP REPORT TO THE COUNCIL IN MAY-- AND CERTAINLY BEFORE THE COPENHAGEN MINISTERIAL-- BUT WAS CONFIDENTIAL

PAGE 03 NATO 02367 141905 Z

PREPARED TO DEFER TO NEEDS OF THOSE ALLIES WHO STILL NEEDED INSTRUCTIONS ON WORDING OF WP/2. HE EXPRESSED US APPRECIATION FOR WELCOME CHANGE IN POSITION BY THE UK AND THE NETHERLANDS.

6. JUYNCK (FRG) NOTED THAT GERMANY DID NOT CONTRIBUTE TO SLICES II THROUGH VIIA AND REQUESTED THAT THE EVENTUAL RECOMMENDATION IN PARA 7 INDICATE THAT THE SETTLEMENT WOULD BE PAID FROM FUNDS REMAINING IN THOSE SLICES.

7. STAPLES AND BUSMAN ECHOED EACH OTHER IN ASSERTING IT WOULD BE A MISTAKE TO TRY TO PUSH FOR QUICK SETTLEMENT WITH " SPEED OF A CHEETAH" SINCE DREUX/ EVREUX HAD ALWAYS MOVED AT PACE OF TURTLE.

8. PANSA SUMMED UP BY CALLING FOR A SMALL DRAFTING GROUP TO

INCORPORATE EDITORIAL CHANGES IN WP/2; AND ANOTHER COMPOSED OF EXPERTS FROM THE US, CANADA, NETHERLANDS AND THE UK TO AGREE ON PROPER SUM TO BE INCLUDED IN PARA 7. HE PROPOSED THAT DATE OF FINAL MEETING BE LEFT FLEXIBLE SO THAT IF DRAFTING GROUPS PRODUCED FINAL RESULT BEFORE THE COPENHAGEN MINISTERIAL, THE MATTER COULD BE RESOLVED BY THEN; OTHERWISE, IT WOULD BE RESOLVED LATER IN JUNE.

9. MISSION COMMENT: IT IS FAIR TO STATE THAT THERE WAS AN AGREEMENT IN PRINCIPLE TO SETTLE THE US CLAIM FOR DREUX AND EVREUX; BUT NO SUM WAS FIXED. NETHERLANDS REP INDICATED AFTER THE MEETING THAT HE BELIEVED HE WOULD NOT BE ABLE TO GET DEFINITE INSTRUCTIONS ON FINAL WORDING BEFORE NEXT WEEK. THEREFORE, WITH PREPARATIONS FOR DPC AND NAC MINISTERIALS NOW GATHERING STEAM, IT APPEARS UNLIKELY THAT OPEN ENDED WORKING GROUP ON DREUX/ EVREUX WILL REPORT TO NAC BEFORE MID- JUNE. END COMMENT.

MCAULIFFE

CONFIDENTIAL

NMAFVVZCZ

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 02 APR 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 14 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973NATO02367
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: NATO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730558/abqcdzpq.tel
Line Count: 128
Locator: TEXT ON-LINE
Office: n/a
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 06 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06-Aug-2001 by boyleja>; APPROVED <19-Sep-2001 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MEETING OF OPEN- ENDED WORKING GROUP ON REIMBURSEMENT TO US FOR INFRASTRUCTURE WORKS AT DREUX AND
EVREUX
TAGS: EFIN, MCAP, NATO
To: STATE
SECDEF INFO LONDON
PARIS
THE HAGUE
USNMR SHAPE
Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005